

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF CORRECTIONS (“DOC”),  
CAPTAIN PABLO PORTER, shield #850, DOC  
CORRECTION OFFICER EMMA WILLIAMS, shield  
#9886, JOHN DOES 2-6 and FEMALE GUARDS 2-3,  
individually and in their official capacity (the names John  
Doe and Female Guard being fictitious and intended to be  
corrections officers and/or employees of the New York  
City Department of Correction (“DOC”) at Rikers Island  
(“Rikers”) as their true names are presently unknown);  
JOHN DOE 7, individually and in his official capacity (the  
name John Doe being fictitious and intended to be an  
officer, administrator or other employee of DOC or the City  
of New York, as his true name is presently unknown); and  
DR. JOHN DOE, individually and in his official capacity  
(the name Dr. John Doe intended to be a doctor, or other  
individual identified as a doctor at the Prison Health  
Services at Rikers Island, as is true name is unknown,

Defendants.

----- X

**ANSWER OF DEFENDANTS  
PABLO PORTER AND  
EMMA WILLIAMS TO  
PLAINTIFF’S THIRD  
AMENDED VERIFIED  
COMPLAINT**

15 Civ 117 (AJN)(KNF)

**JURY TRIAL DEMANDED**

Defendants Pablo Porter and Emma Williams by their attorney, Zachary W.  
Carter, Corporation Counsel of the City of New York, as and for an answer to plaintiff’s Third  
Amended Verified Complaint (“Complaint”), respectfully allege, upon information and belief, as  
follows:

1. Deny the allegations set forth in paragraph “1” of the Complaint, except  
admit that plaintiff purports to invoke the jurisdiction of this Court as stated therein.
2. Deny the allegations set forth in paragraph “2” of the Complaint, except  
admit plaintiff purports to proceed as set forth therein.

3. Deny the allegations set forth in paragraph “3” of the Complaint, except admit that plaintiff purports to invoke the jurisdiction of this Court and otherwise proceed as stated therein.

4. Deny the allegations set forth in paragraph “4” of the Complaint, except admit that plaintiff purports to invoke the jurisdiction of this Court as stated therein.

5. Deny the allegations set forth in paragraph “5” of the Complaint, except admit that plaintiff purports to lay venue as stated therein.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “6” of the Complaint.

7. Deny the allegations set forth in paragraph “7” of the Complaint, except admit that the City is a municipal corporation organized under the laws of the state of New York, and that it operates a number of detention jails through its Department of Correction.

8. Deny the allegations set forth in paragraph “8” of the Complaint, except admit that the City is a municipal corporation organized under the laws of the state of New York, and that it operates a number of detention jails through its Department of Correction.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the Complaint, except admit plaintiff purports to proceed as set forth therein, and that on the dates of the incidents alleged by plaintiff Porter and Williams were employed by DOC.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of the Complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of the Complaint.

12. Paragraph “12” of the Complaint contains contentions of law to which no response is required; to the extent a response may be required, defendants deny all such allegations.

13. Deny the allegations set forth in paragraph “13” of the Complaint, except admits plaintiff purports to proceed as set forth therein.

14. Deny the allegations set forth in paragraph “14” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

15. Deny the allegations set forth in paragraph “15” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

16. Deny the allegations set forth in paragraph “16” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim and appeared for a hearing pursuant to Section 50-h of the General Municipal Law.

17. Deny the allegations set forth in paragraph “17” of the Complaint, except state that the claim has not been adjusted.

18. Deny the allegations set forth in paragraph “18” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

19. Deny the allegations set forth in paragraph “19” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

20. Deny the allegations set forth in paragraph “20” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

21. Deny the allegations set forth in paragraph “21” of the Complaint, except admit plaintiff filed a document purporting to be a notice of claim.

22. Deny the allegations set forth in paragraph “22” of the Complaint.

23. Deny the allegations set forth in paragraph “23” of the Complaint, except admits that plaintiff was arraigned on various charges.

24. Deny the allegations set forth in paragraph “24” of the Complaint.

25. Deny the allegations set forth in paragraph “25” of the Complaint, except admit plaintiff was taken to the Rose M. Singer Center.

26. Deny the allegations set forth in paragraph “26” of the Complaint.

27. Deny the allegations set forth in paragraph “27” of the Complaint.

28. Deny the allegations set forth in paragraph “28” of the Complaint.

29. Deny the allegations set forth in paragraph “29” of the Complaint.

30. Deny the allegations set forth in paragraph “30” of the Complaint, except admit plaintiff was taken to the RMSC clinic.

31. Deny the allegations set forth in paragraph “31” of the Complaint.

32. Deny the allegations set forth in paragraph “32” of the Complaint.

33. Deny the allegations set forth in paragraph “33” of the Complaint.

34. Deny the allegations set forth in paragraph “34” of the Complaint.

35. Deny the allegations set forth in paragraph “35” of the Complaint.

36. Deny the allegations set forth in paragraph “36” of the Complaint.

37. Deny the allegations set forth in paragraph “37” of the Complaint.

38. Deny the allegations set forth in paragraph “38” of the Complaint.

39. Deny the allegations set forth in paragraph “39” of the Complaint.

40. Deny the allegations set forth in paragraph “40” of the Complaint.

41. Deny the allegations set forth in paragraph “41” of the Complaint.

42. Deny the allegations set forth in paragraph “42” of the Complaint.

43. Deny the allegations set forth in paragraph “43” of the Complaint.

44. Deny the allegations set forth in paragraph “44” of the Complaint.
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46. Deny the allegations set forth in paragraph “46” of the Complaint.
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48. Deny the allegations set forth in paragraph “48” of the Complaint.
49. Deny the allegations set forth in paragraph “49” of the Complaint.
50. Deny the allegations set forth in paragraph “50” of the Complaint.
51. Deny the allegations set forth in paragraph “51” of the Complaint.
52. Deny the allegations set forth in paragraph “52” of the Complaint.
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54. Deny the allegations set forth in paragraph “54” of the Complaint.
55. Deny the allegations set forth in paragraph “55” of the Complaint.
56. Deny the allegations set forth in paragraph “56” of the Complaint.
57. Deny the allegations set forth in paragraph “57” of the Complaint.
58. Deny the allegations set forth in paragraph “58” of the Complaint.
59. Deny the allegations set forth in paragraph “59” of the Complaint.
60. Deny the allegations set forth in paragraph “60” of the Complaint.
61. Deny the allegations set forth in paragraph “61” of the Complaint.
62. Deny the allegations set forth in paragraph “62” of the Complaint.
63. Deny the allegations set forth in paragraph “63” of the Complaint.
64. Deny the allegations set forth in paragraph “64” of the Complaint.
65. Deny the allegations set forth in paragraph “65” of the Complaint.
66. Deny the allegations set forth in paragraph “66” of the Complaint.
67. Deny the allegations set forth in paragraph “67” of the Complaint.

68. Deny the allegations set forth in paragraph “68” of the Complaint.

69. Deny the allegations set forth in paragraph “69” of the Complaint.

70. Deny the allegations set forth in paragraph “70” of the Complaint.

71. Deny the allegations set forth in paragraph “71” of the Complaint.

72. Deny the allegations set forth in paragraph “72” of the Complaint, except admit plaintiff was arraigned on various charges.

73. Deny the allegations set forth in paragraph “73” of the Complaint.

74. Deny the allegations set forth in paragraph “74” of the Complaint.

75. Deny the allegations set forth in paragraph “75” of the Complaint.

76. Deny the allegations set forth in paragraph “76” of the Complaint.

77. Deny the allegations set forth in paragraph “77” of the Complaint.

78. Deny the allegations set forth in paragraph “78” of the Complaint.

79. Deny the allegations set forth in paragraph “79” of the Complaint.

80. Deny the allegations set forth in paragraph “80” of the Complaint.

81. Deny the allegations set forth in paragraph “81” of the Complaint.

82. Deny the allegations set forth in paragraph “82” of the Complaint.

83. Deny the allegations set forth in paragraph “83” of the Complaint.

84. Deny the allegations set forth in paragraph “84” of the Complaint.

85. Deny the allegations set forth in paragraph “85” of the Complaint.

86. Deny the allegations set forth in paragraph “86” of the Complaint.

87. Deny the allegations set forth in paragraph “87” of the Complaint.

88. Deny the allegations set forth in paragraph “88” of the Complaint.

89. Deny the allegations set forth in paragraph “89” of the Complaint.

90. Deny the allegations set forth in paragraph “90” of the Complaint.

91. Deny the allegations set forth in paragraph “91” of the Complaint.

92. Deny the allegations set forth in paragraph “92” of the Complaint.

93. Deny the allegations set forth in paragraph “93” of the Complaint.

94. Deny the allegations set forth in paragraph “94” of the Complaint.

95. Deny the allegations set forth in paragraph “95” of the Complaint, except admit plaintiff purports to proceed as set forth therein.

96. Deny the allegations set forth in paragraph “96” of the Complaint.

97. Deny the allegations set forth in paragraph “97” of the Complaint.

98. In response to the allegations set forth in paragraph “98” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

99. Deny the allegations set forth in paragraph “99” of the Complaint.

100. Deny the allegations set forth in paragraph “100” of the Complaint.

101. Deny the allegations set forth in paragraph “101” of the Complaint.

102. Deny the allegations set forth in paragraph “102” of the Complaint.

103. Deny the allegations set forth in paragraph “103” of the Complaint.

104. Deny the allegations set forth in paragraph “104” of the Complaint.

105. Deny the allegations set forth in paragraph “105” of the Complaint.

106. Deny the allegations set forth in paragraph “106” of the Complaint.

107. In response to the allegations set forth in paragraph “107” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

108. Deny the allegations set forth in paragraph “108” of the Complaint.

109. Deny the allegations set forth in paragraph “109” of the Complaint.

110. Deny the allegations set forth in paragraph “110” of the Complaint.

111. Deny the allegations set forth in paragraph “111” of the Complaint.

112. Deny the allegations set forth in paragraph “112” of the Complaint.

113. Deny the allegations set forth in paragraph “113” of the Complaint.

114. In response to the allegations set forth in paragraph “114” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

115. Deny the allegations set forth in paragraph “115” of the Complaint.

116. Deny the allegations set forth in paragraph “116” of the Complaint.

117. Deny the allegations set forth in paragraph “117” of the Complaint.

118. In response to the allegations set forth in paragraph “118” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

119. Deny the allegations set forth in paragraph “119” of the Complaint.

120. Deny the allegations set forth in paragraph “120” of the Complaint.

121. Deny the allegations set forth in paragraph “121” of the Complaint.

122. Deny the allegations set forth in paragraph “122” of the Complaint.

123. In response to the allegations set forth in paragraph “123” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

124. Deny the allegations set forth in paragraph “124” of the Complaint.

125. Deny the allegations set forth in paragraph “125” of the Complaint.

126. Deny the allegations set forth in paragraph “126” of the Complaint.

127. Deny the allegations set forth in paragraph “127” of the Complaint.



128. In response to the allegations set forth in paragraph “128” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

129. Deny the allegations set forth in paragraph “129” of the Complaint.

130. Deny the allegations set forth in paragraph “130” of the Complaint.

131. Deny the allegations set forth in paragraph “131” of the Complaint.

132. In response to the allegations set forth in paragraph “132” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

133. Deny the allegations set forth in paragraph “133” of the Complaint.

134. Deny the allegations set forth in paragraph “134” of the Complaint.

135. Deny the allegations set forth in paragraph “135” of the Complaint.

136. Deny the allegations set forth in paragraph “136” of the Complaint.

137. Deny the allegations set forth in paragraph “137” of the Complaint.

138. Deny the allegations set forth in paragraph “138” of the Complaint.

139. In response to the allegations set forth in paragraph “139” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

140. Deny the allegations set forth in paragraph “140” of the Complaint.

141. Deny the allegations set forth in paragraph “141” of the Complaint.

142. Deny the allegations set forth in paragraph “142” of the Complaint.

143. Deny the allegations set forth in paragraph “143” of the Complaint.

144. In response to the allegations set forth in paragraph “144” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

145. Deny the allegations set forth in paragraph “145” of the Complaint.

146. Deny the allegations set forth in paragraph “146” of the Complaint.

147. Deny the allegations set forth in paragraph “147” of the Complaint.

148. In response to the allegations set forth in paragraph “148” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

149. Deny the allegations set forth in paragraph “149” of the Complaint.

150. Deny the allegations set forth in paragraph “150” of the Complaint.

151. Deny the allegations set forth in paragraph “151” of the Complaint.

152. Deny the allegations set forth in paragraph “152” of the Complaint.

153. In response to the allegations set forth in paragraph “153” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

154. Deny the allegations set forth in paragraph “154” of the Complaint.

155. Deny the allegations set forth in paragraph “155” of the Complaint.

156. Deny the allegations set forth in paragraph “156” of the Complaint.

157. Deny the allegations set forth in paragraph “157” of the Complaint.

158. In response to the allegations set forth in paragraph “158” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

159. Deny the allegations set forth in paragraph “159” of the Complaint.

160. Deny the allegations set forth in paragraph “160” of the Complaint.

161. Deny the allegations set forth in paragraph “161” of the Complaint.

162. Deny the allegations set forth in paragraph “162” of the Complaint.

163. Deny the allegations set forth in paragraph “163” of the Complaint.

164. Deny the allegations set forth in paragraph “164” of the Complaint.

165. In response to the allegations set forth in paragraph “165” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

166. Deny the allegations set forth in paragraph “166” of the Complaint.

167. Deny the allegations set forth in paragraph “167” of the Complaint.

168. Deny the allegations set forth in paragraph “168” of the Complaint.

169. Deny the allegations set forth in paragraph “169” of the Complaint.

170. Deny the allegations set forth in paragraph “170” of the Complaint.

171. Deny the allegations set forth in paragraph “171” of the Complaint.

172. In response to the allegations set forth in paragraph “172” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

173. Deny the allegations set forth in paragraph “173” of the Complaint.

174. Deny the allegations set forth in paragraph “174” of the Complaint.

175. Deny the allegations set forth in paragraph “175” of the Complaint.

176. In response to the allegations set forth in paragraph “176” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

177. Deny the allegations set forth in paragraph “177” of the Complaint.

178. Deny the allegations set forth in paragraph “178” of the Complaint.

179. Deny the allegations set forth in paragraph “179” of the Complaint.

180. Deny the allegations set forth in paragraph “180” of the Complaint.

181. Deny the allegations set forth in paragraph “181” of the Complaint.

182. Deny the allegations set forth in paragraph “182” of the Complaint.

183. In response to the allegations set forth in paragraph “183” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

184. Deny the allegations set forth in paragraph “184” of the Complaint.

185. Deny the allegations set forth in paragraph “185” of the Complaint.

186. Deny the allegations set forth in paragraph “186” of the Complaint.

187. Deny the allegations set forth in paragraph “187” of the Complaint.

188. Deny the allegations set forth in paragraph “188” of the Complaint.

189. Deny the allegations set forth in paragraph “189” of the Complaint.

190. In response to the allegations set forth in paragraph “190” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

191. Deny the allegations set forth in paragraph “191” of the Complaint.

192. Deny the allegations set forth in paragraph “192” of the Complaint.

193. Deny the allegations set forth in paragraph “193” of the Complaint.

194. In response to the allegations set forth in paragraph “194” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

195. Deny the allegations set forth in paragraph “195” of the Complaint.

196. Deny the allegations set forth in paragraph “196” of the Complaint.

197. Deny the allegations set forth in paragraph “197” of the Complaint.

198. Deny the allegations set forth in paragraph “198” of the Complaint.

199. Deny the allegations set forth in paragraph “199” of the Complaint.

200. In response to the allegations set forth in paragraph “200” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

201. Deny the allegations set forth in paragraph “201” of the Complaint.

202. Deny the allegations set forth in paragraph “202” of the Complaint.

203. Deny the allegations set forth in paragraph “203” of the Complaint.

204. Deny the allegations set forth in paragraph “204” of the Complaint.

205. In response to the allegations set forth in paragraph “205” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

206. Deny the allegations set forth in paragraph “206” of the Complaint.

207. Deny the allegations set forth in paragraph “207” of the Complaint.

208. Deny the allegations set forth in paragraph “208” of the Complaint.

209. In response to the allegations set forth in paragraph “209” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

210. Deny the allegations set forth in paragraph “210” of the Complaint.

211. Deny the allegations set forth in paragraph “211” of the Complaint.

212. Deny the allegations set forth in paragraph “212” of the Complaint.

213. Deny the allegations set forth in paragraph “213” of the Complaint.

214. In response to the allegations set forth in paragraph “214” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

215. Deny the allegations set forth in paragraph “215” of the Complaint.

216. Deny the allegations set forth in paragraph “216” of the Complaint.

217. Deny the allegations set forth in paragraph “217” of the Complaint.

218. Deny the allegations set forth in paragraph “218” of the Complaint.

219. In response to the allegations set forth in paragraph “219” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

220. Deny the allegations set forth in paragraph “220” of the Complaint.

221. Deny the allegations set forth in paragraph “221” of the Complaint.

222. Deny the allegations set forth in paragraph “222” of the Complaint.

223. Deny the allegations set forth in paragraph “223” of the Complaint.

224. In response to the allegations set forth in paragraph “224” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

225. Deny the allegations set forth in paragraph “225” of the Complaint.

226. Deny the allegations set forth in paragraph “226” of the Complaint.

227. Deny the allegations set forth in paragraph “227” of the Complaint.

228. In response to the allegations set forth in paragraph “228” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

229. Deny the allegations set forth in paragraph “229” of the Complaint.

230. Deny the allegations set forth in paragraph “230” of the Complaint.

231. Deny the allegations set forth in paragraph “231” of the Complaint.

232. Deny the allegations set forth in paragraph “232” of the Complaint.

233. Deny the allegations set forth in paragraph “233” of the Complaint.

234. Deny the allegations set forth in paragraph “234” of the Complaint.

235. In response to the allegations set forth in paragraph “235” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

236. Deny the allegations set forth in paragraph “236” of the Complaint.

237. Deny the allegations set forth in paragraph “237” of the Complaint.

238. Deny the allegations set forth in paragraph “238” of the Complaint.

239. Deny the allegations set forth in paragraph “239” of the Complaint.

240. In response to the allegations set forth in paragraph “240” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

241. Deny the allegations set forth in paragraph “241” of the Complaint.

242. Deny the allegations set forth in paragraph “242” of the Complaint.

243. Deny the allegations set forth in paragraph “243” of the Complaint.

244. In response to the allegations set forth in paragraph “244” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

245. Deny the allegations set forth in paragraph “245” of the Complaint.

246. Deny the allegations set forth in paragraph “246” of the Complaint.

247. Deny the allegations set forth in paragraph “247” of the Complaint.

248. Deny the allegations set forth in paragraph “248” of the Complaint.

249. Deny the allegations set forth in paragraph “249” of the Complaint.

250. In response to the allegations set forth in paragraph “250” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

251. Deny the allegations set forth in paragraph “251” of the Complaint.

252. Deny the allegations set forth in paragraph “252” of the Complaint.

253. Deny the allegations set forth in paragraph “253” of the Complaint.

254. Deny the allegations set forth in paragraph “254” of the Complaint.

255. In response to the allegations set forth in paragraph “255” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

256. Deny the allegations set forth in paragraph “256” of the Complaint.

257. Deny the allegations set forth in paragraph “257” of the Complaint.

258. Deny the allegations set forth in paragraph “258” of the Complaint.

259. In response to the allegations set forth in paragraph “259” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

260. Deny the allegations set forth in paragraph “260” of the Complaint.

261. Deny the allegations set forth in paragraph “261” of the Complaint.

262. Deny the allegations set forth in paragraph “262” of the Complaint.

263. Deny the allegations set forth in paragraph “263” of the Complaint.

264. Deny the allegations set forth in paragraph “264” of the Complaint.



265. In response to the allegations set forth in paragraph “265” of the Complaint, defendants Porter and Williams repeat and reallege each and every response to the preceding paragraphs of the Complaint as if fully set forth herein.

266. Deny the allegations set forth in paragraph “266” of the Complaint, except admit Porter and Williams were employed by DOC on the dates of the incidents alleged by plaintiff.

267. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “267” of the Complaint.

268. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “268” of the Complaint.

269. Deny the allegations set forth in paragraph “269” of the Complaint.

270. Deny the allegations set forth in paragraph “270” of the Complaint.

271. Deny the allegations set forth in paragraph “271” of the Complaint.

272. Deny the allegations set forth in paragraph “272” of the Complaint.

273. Deny the allegations set forth in paragraph “273” of the Complaint.

274. Deny the allegations set forth in paragraph “274” of the Complaint.

275. Deny the allegations set forth in paragraph “275” of the Complaint, except admit that the Bronx D.A.’s Office investigated the Murdough incident.

276. Deny the allegations set forth in paragraph “276” of the Complaint.

277. Deny the allegations set forth in paragraph “277” of the Complaint.

278. Deny the allegations set forth in paragraph “278” of the Complaint.

279. Deny the allegations set forth in paragraph “279” of the Complaint.

280. Deny the allegations set forth in paragraph “280” of the Complaint.

281. Deny the allegations set forth in paragraph “281” of the Complaint.

282. Deny the allegations set forth in paragraph “282” of the Complaint.

283. Deny the allegations set forth in paragraph “283” of the Complaint, including all subparts, except admit that DOI conducted an investigation and released a report, that U.S. Attorney’s Office conducted an investigation and released a report, and that actions entitled *Nunez, et al. v. City of New York, et al.* 11 CV 5835 (LTS)(JCF), *Rentas v. City of New York*, *Echevarria v. City of New York*, 10 CV 6242 (AKH), and *Jane Doe 1 and Jane Doe 2 v. City of New York and Benny Santiago*, 15 CV 3849 (AKH) were brought.

284. Deny the allegations set forth in paragraph “284” of the Complaint.

285. Deny the allegations set forth in paragraph “285” of the Complaint.

286. Deny the allegations set forth in paragraph “286” of the Complaint.

287. Deny the allegations set forth in paragraph “287” of the Complaint.

288. Deny the allegations set forth in paragraph “288” of the Complaint.

289. Deny the allegations set forth in paragraph “289” of the Complaint, except admit plaintiff purports to proceed as set forth therein.

#### **FIRST AFFIRMATIVE DEFENSE**

290. The Complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

291. Defendant has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof, nor has defendant violated any act of Congress providing for the protection of civil rights.

**THIRD AFFIRMATIVE DEFENSE**

292. At all times relevant to the acts alleged in the Complaint, the duties and functions of the municipal defendants' officials entailed the reasonable exercise of proper and lawful discretion. Therefore, defendant City of New York has governmental immunity from liability.

**FOURTH AFFIRMATIVE DEFENSE**

293. Any injury alleged to have been sustained resulted from plaintiffs' own culpable or negligent conduct and was not the proximate result of any act of the defendants.

**FIFTH AFFIRMATIVE DEFENSE**

294. Plaintiffs have failed to comply with the conditions precedent required for this lawsuit.

**SIXTH AFFIRMATIVE DEFENSE**

295. Defendants were not deliberately indifferent to the serious medical needs of the plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE**

296. None of the defendants violated any clearly established constitutional right of which a reasonable person would have known, and therefore, said defendants are protected from liability by qualified immunity.

**EIGHTH AFFIRMATIVE DEFENSE**

297. Punitive damages may not be recovered against the City of New York.

**NINTH AFFIRMATIVE DEFENSE**

298. Plaintiff's claims are barred in whole or in part by the applicable statutes of limitation.

**TENTH AFFIRMATIVE DEFENSE**

299. Plaintiff has not complied with the Prison Litigation Reform Act (“PLRA”), and to the extent plaintiff may have complied with the PLRA their right to relief is limited as set forth therein.

**ELEVENTH AFFIRMATIVE DEFENSE:**

300. Plaintiff provoked any incident.

**TWELFTH AFFIRMATIVE DEFENSE**

301. To the extent any force was used, it was reasonable, necessary, and justified.

**THIRTEENTH AFFIRMATIVE DEFENSE**

302. To the extent that the Complaint can be read to include state law claims, they may be barred by the failure to comply with New York General Municipal Law §50-e, §50-I, 50-h and/or 50-k.

**FOURTEENTH AFFIRMATIVE DEFENSE:**

303. The Complaint fails to allege facts with sufficient particularity to satisfy the requirements of Rules 8 and 9 of the Federal Rules of Civil Procedure.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE:**

304. The process served upon one or more defendants was insufficient.

**WHEREFORE**, defendants request judgment dismissing the Complaint in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
March 3, 2017

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